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ELECTRONIC FRONTIER FOUNDATION and
9 FRED VON LOHMANN

10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**
13 **SAN FRANCISCO DIVISION**
14

15 In re Subpoenas to Electronic Frontier
Foundation and Fred von Lohmann

) **Case No. 3:10-mc-80276-JSW**
) [Related to *Arista Records v. Lime Wire LLC*,
) No. 06-5936 (KMW) (S.D.N.Y.)
)

17) **SUPPLEMENTAL DECLARATION OF**
18) **MARK GORTON IN SUPPORT OF**
19) **EXPEDITED MOTION TO QUASH**
20) **SUBPOENAS**

) Date: no hearing date assigned
(pursuant to order by Judge White)

Winston & Strawn LLP
101 California Street
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1 I, Mark Gorton, declare pursuant to 28 U.S.C. § 1746 as follows:

2 1. I provide this declaration in response to the Court's Order of November 18, 2010
3 (Doc. #16).

4 2. As to the Court's first question, I have been informed that non-privileged, responsive
5 documents do exist.

6 3. In response to the second part of the Court's inquiry, I recall that LimeWire sought
7 legal advice from Fred von Lohmann, an attorney at the Electronic Frontier Foundation. The EFF's
8 counsel has informed my counsel that other EFF personnel communicated with LimeWire personnel
9 but I do not presently have any recollection of those communications.
10

11 I declare under penalty of perjury that the foregoing is true and correct.

12 Executed: November 19, 2010

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14 Mark Gorton

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